

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**  
455 Golden Gate Avenue  
San Francisco, California 94102-3660

**Report Summary**

TO: Members of the Judicial Council

FROM: Diane Nunn, Director, Center for Families, Children and the Courts  
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DATE: April 17, 2000

SUBJECT: Technical Revisions to Domestic Violence Forms (revise Forms  
DV-110, DV-130, and MC-220)

Issue Statement

In Senate Bill 218 (Solis) (Stats. 1999, ch. 662), the Legislature amended Penal Code section 12021(g) to require on all protective order forms a specific notice in bold print regarding the mandatory relinquishment of firearms by the restrained person.

Recommendation

Staff recommends that the Judicial Council, effective July 1, 2000, revise Form DV-110, *Order to Show Cause and Temporary Restraining Order (CLETS) (Domestic Violence Prevention)*; Form DV-130, *Restraining Order After Hearing (CLETS) (Domestic Violence Prevention)*; and Form MC-220, *Protective Order in Criminal Proceeding (CLETS) (Penal Code section 136.2)*.

Rationale for Recommendation

Legislation effective January 1, 2000, amended Penal Code Section 12021(g)(2) to provide that anyone who owns or possesses a firearm knowing that he or she is prohibited from doing so by the terms of a protective order is guilty of a public offense. However, the code section does not apply unless either the protective order contains a notice in bold print (1) stating that the person is prohibited from owning, possessing, or attempting to own or possess a firearm and (2) specifying the penalties for violating the subdivision, or a court has provided actual verbal notice of the prohibition and penalties. Newly amended Penal Code section

12021(g)(3) requires the Judicial Council to provide on all protective orders notice that, among other things, the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm while the protective order is in effect.

#### Alternative Actions Considered

Staff considered creating a one-page form that could be attached to the appropriate forms. However, attaching the warning to every restraining order might be burdensome to court clerks and individuals.

#### Comments From Interested Parties

Given that the revisions referenced in this report are only technical changes to the forms, they were not distributed for public comment.

The affected forms are currently being distributed to solicit public comment on other, substantive revisions for adoption effective January 1, 2001.

#### Implementation Requirements and Costs

The cost of implementation is limited to the photocopying of the new forms.

The text of the proposed forms is attached at pages 3 – 11.